

**AN ORDINANCE BY  
FINANCE AND EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, TO NEGOTIATE FOR AND PURCHASE THE REMAINING PARCEL OF PROPERTY, APPROXIMATELY 0.55 ACRES LOCATED ON WILDWOOD ROAD, ADJACENT TO THE CITY OF ATLANTA'S ("CITY") EXISTING MORNINGSIDE NATURE PRESERVE (FORMERLY KNOWN AS WILDWOOD URBAN FOREST), AS ORIGINALLY AUTHORIZED BY ORDINANCE 04-O-2243, FOR THE PURPOSE OF EXPANDING THE EXISTING MORNINGSIDE NATURE PRESERVE; AND TO NEGOTIATE FOR AND PURCHASE A PERMANENT EASEMENT ON THE PROPERTY LOCATED AT 924 WILDWOOD ROAD, ATLANTA, GEORGIA, IN AN AMOUNT NOT EXCEED ONE HUNDRED FIFTY THOUSAND TWENTY FIVE DOLLARS AND NO CENTS (\$150,025.00); TO BE PAID BY THE ATLANTA DEVELOPMENT AUTHORITY USING THE REMAINING GRANT FUNDS FROM THE ARTHUR M. BLANK FAMILY FOUNDATION (\$50,025.00) AND FUND, ACCOUNT, AND CENTER NUMBER 1C28 (GENERAL GOV'T CAPITAL OUTLAY FUND) 571001 (LAND) N12P06129989 (GREEN SPACE PGM., PARKS NORTH) (\$100,000); AND FOR OTHER PURPOSES.**

**WHEREAS**, on January 18, 2005 the City Council adopted ordinance 04-O-2243 and the Mayor approved the same on January 24, 2005, authorizing the purchase of three (3) parcels for the purpose of creating new access points and to connect a potential PATH trail to the City's existing Wildwood Urban Forest; and

**WHEREAS**, the said property acquisitions as set forth in ordinance 04-O-2243 were initially funded by a grant to the Atlanta Development Authority from the Arthur M. Blank Family Foundation in the amount of \$380,000.00; and

**WHEREAS**, the City has acquired two (2) of the original parcels ("Swift Property" and "Cornish Property") using \$329,975.00 of the original \$380,000.00, with a remaining balance of \$50,025.00 which funding expires at year end 2006; and

**WHEREAS**, the Hasner property (formerly known as the "Catherwood Property") is approximately 0.55 acres located on Wildwood Road on the southern boundary of Morningside Nature Preserve (formerly known as Wildwood Urban Forest), is Parcel Identification Number 17-0003-LL-026, and is the remaining parcel of property needed, pursuant to ordinance 04-O-2243, to expand the existing Morningside Nature Preserve; and

**WHEREAS**, the City has determined that a permanent easement is necessary on the Cover property (attached as Exhibit "A") located at 924 Wildwood Road, Atlanta, Georgia 30324, Parcel Identification Number 17-00003-LL-030 ("Cover Property"), to provide the City's maintenance vehicles access to the Morningside Nature Preserve; and

**WHEREAS**, The Conservation Fund ("TCF") is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

**WHEREAS**, TCF has both the aforesaid Hasner property and Cover property easement under contract and anticipates closing on said properties on or about November 15, 2006; and

**WHEREAS**, the acquisition of the Hasner property and Cover property easement is consistent with the City's goal of acquisition and preservation of additional greenspace to expand existing parks and to provide connecting trails.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1:** The Mayor or her designee, on behalf of the City, is hereby authorized to negotiate with the The Conservation Fund to purchase real property known as the Hasner Property (formerly known as the "Catherwood Property"), located on Wildwood Road on the Southern Boundary of the Morningside Nature Preserve (formerly known as Wildwood Urban Forest) Parcel Identification number 17-0003-LL-026, at a purchase price no greater than the Property's Fair Market Value ("the Hasner Purchase Price").

**SECTION 2:** The Mayor or her designee, on behalf of the City, is hereby authorized to negotiate with the The Conservation Fund to purchase a permanent easement on the Cover Property located at 924 Wildwood Road Atlanta, Georgia 30324, Parcel Identification Number 17-0003-LL-030, at a purchase price no greater than the Property's Fair Market Value ("the Cover Purchase Price").

**SECTION 3:** The Mayor or her designee is hereby authorized to obtain surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Hasner Property and the Cover Property Easement, (collectively "Hasner and Cover Due Diligence Services") and to accordingly determine the amount to be offered to the Owner for the Property. In addition, the Mayor or her designee is authorized to obtain and pay for those items and services necessary to purchase the Hasner Property and Cover Property Easement, including but not limited to title insurance, real estate service fees and other closing costs (collectively "Hasner and Cover Purchase Services").

**SECTION 4:** The Total acquisition Cost for the Hasner Property and Cover Property Easement, which includes the Hasner and Cover Purchase Prices, the Hasner and Cover Due Diligence Services, and the Hasner and Cover Purchase Services shall be

an amount not to exceed One Hundred Fifty Thousand twenty five dollars, and that funds shall be paid by the Atlanta Development Authority using the remaining grant funds from the Arthur M. Blank Family Foundation (\$50,025.00) and from Fund, Account, and Center number 1C28 (General Gov't Capital Outlay Fund) 571001 (Land) N12P06129989 (Green Space PGM., Parks North) (\$100,000).

**SECTION 5:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Hasner Property and Cover Property Easement, and that the deed for Hasner tract shall provide that such properties shall remain permanently preserved as greenspace with passive recreation for the benefit of the public.

**SECTION 6:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

**SECTION 7:** The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

**SECTION 8:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

**SECTION 9:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney.

**SECTION 10:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

# MORNINGSIDE

N/F  
MARCUS WELLBOURNE  
LTD PARTNERSHIP  
FULTON CO. RECORDS

Approximately 1,900 square feet  
to be subdivided  
from covers

COA -  
MORNINGSIDE  
NATURE PRESERVE  
CONS1 KN  
DB.1371

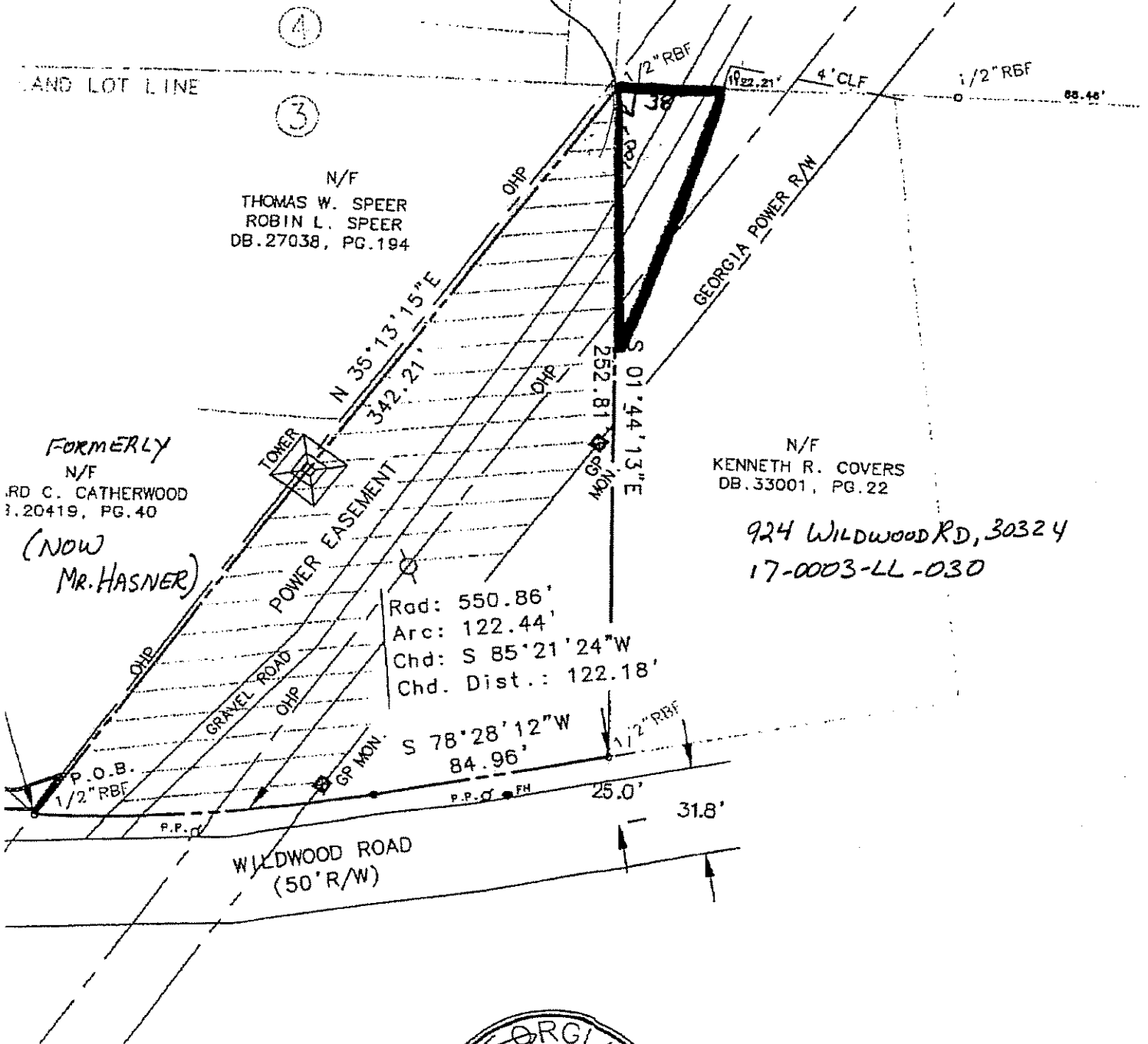


EXHIBIT "A"

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): TERRY GRANDISON



Contact

Number: 6946

Originating Department: Parks, Recreation, and Cultural Affairs

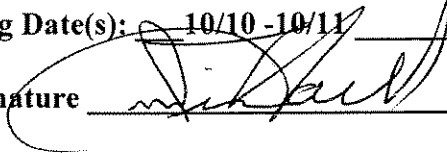
Committee(s) of Purview: Finance and Executive

Council

Deadline: 9/25/06

Committee Meeting Date(s): 10/10 - 10/11 Full Council Date: 10/16/06

Commissioner Signature



**CAPTION**

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FINANCIAL IMPACT (if any):

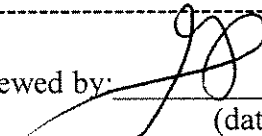
Mayor's Staff Only

Received by Mayor's Office:

9/27/06

(date)

Reviewed by:



(date)

Submitted to Council:

9/29/06

(date)